

REMARKS

STATUS OF THE CLAIMS

Claims 28-34 are currently pending. Without conceding the propriety of the rejections, claims 28 and 29 have been cancelled without prejudice or disclaimer. Applicant reserves the right to pursue the subject matter of these claims in this or another application. New claims 36-38 have been submitted for consideration. Support for these claims can be found in the specification as originally filed.

The Examiner is thanked for the indication that claim 30 would be allowable if rewritten to overcome the rejections under 35 U.S.C. 112, second paragraph, and rewritten in independent form to include all the features of the base claim and any intervening claims.

Accordingly, claim 30 has been rewritten in independent form to include all the features of the base claim and any intervening claims. Moreover, claim 30 has been amended to recite the steps of assembling a cooling tower including the steps of reinforcing the frame assembly with support members; mounting an air current generator to the frame assembly for drawing air currents through the cooling tower; and providing a motor connected to the air current generator, wherein the motor drives the air current generator. Claim 34 has been similarly amended to recite the steps of reinforcing the frame assembly with support members; mounting an air current generator to the frame assembly for drawing air currents through the cooling tower; providing a motor connected to the air current generator, wherein the motor drives the air current generator; removing the end walls to form a pair of cooling tower covers; and attaching the removed cooling tower covers to the frame assembly over the top wall. Applicant respectfully submits that claims 30 and 34, and any claims depending directly or indirectly therefrom, are now in condition for allowance.

Accordingly, no new matter has been added by these amendments and no estoppels are intended thereby. Reconsideration and withdrawal of the outstanding rejections is respectfully requested in view of the following remarks.

OFFICE ACTION

REJECTIONS UNDER 35 U.S.C. § 112

Claims 28-34 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicant respectfully traverses this rejection.

Without conceding the propriety of the rejection, claims 28 and 29 have been cancelled, rendering this rejection moot with respect to these claims.

As indicated in the Listing of Claims section of this paper, claim 30 has been rewritten in independent form to include the features of the base claim and any intervening claims, and to recite the steps of assembling a cooling tower including the steps of reinforcing the frame assembly with support members; mounting an air current generator to the frame assembly for drawing air currents through the cooling tower; and providing a motor connected to the air current generator, wherein the motor drives the air current generator. Claim 31 has been amended to depend from claim 30 and to recite the terms, "the removing step." No further elaboration is believed necessary and Applicant respectfully submits that these claims are now in condition for allowance and no further elaboration is believed necessary.

Accordingly, in light of the aforementioned remarks, withdrawal of this rejection as to claims 28-34 is respectfully requested.

REJECTIONS UNDER 35 U.S.C. § 102(b)

Claims 28, 29 and 31-34 stand rejected under 35 U.S.C. 102(b) for allegedly being anticipated by Flaherty et al. (U.S. Patent No. 6,250,610). Applicant respectfully traverses this rejection.

Applicant notes that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. (quoting *Verdegall Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987)).

Without conceding the propriety of the rejection, claims 28 and 29 have been cancelled, rendering this rejection moot with respect to these claims.

As previously discussed, claim 30 has been rewritten in independent form to include all the features of the base claim and any intervening claims as suggested by the Examiner. Claim 30 has been further amended to recite assembling a cooling tower that includes the steps of reinforcing the frame assembly with support members; mounting an air current generator to the frame assembly for drawing air currents through the cooling tower; and providing a motor connected to the air current generator, wherein the motor drives the air current generator. Claim 34 has been similarly amended to recite the same features. Accordingly, Applicant respectfully submits that claims 30 and 34 are now in condition for allowance.

Claims 31-33 depend from claim 30 and are believed to be allowable for at least the same reasons. New claims 36-38 depend from amended claim 34 and are believed allowable for at least the same reasons.

In light of the aforementioned remarks, Applicant respectfully requests withdrawal of this 35 U.S.C. § 102(b) rejection.

CONCLUSION

No extension-of-time fee is believed due. However, any extension of time necessary to prevent abandonment is hereby requested, and any fee necessary for consideration of this response is hereby authorized to be charged to Deposit Account No. 50-2036.

In view of the foregoing, reconsideration and allowance of the application are believed in order, and such action is earnestly solicited.

Should the Examiner believe that a telephone conference would expedite issuance of the application, the Examiner is respectfully invited to telephone the undersigned attorney at (202) 861-1714.

Respectfully submitted,

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